

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

U.S. DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
2010 MAY 15 PM 5

United States of America

v.

GUADALUPE GRANADO  
also known as ANTONIO CRUZ TAVAR  
MARCOS ANTONIO RIVERI  
also known as LORETO  
MENDOZA VENTURA PLACIDO  
ABEL MARTINEZ TAVERA  
ELIAS MAZARIEGOS PEREZ

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Case No. 2:10-MJ-93

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date See below in the county of Hamblen in the Eastern District of  
of

Tennessee, and elsewhere, the defendant violated 21 U. S. C. § 846 and 841(b)(1)(A)

, an offense described as follows:

The United States Attorney charges that between, on or about March 29, 2010 to on or about May 15, 2010, within the Eastern District of Tennessee, GUADALUPE GRANADO also known as ANTONIO CRUZ TAVAR, MARCOS ANTONIO RIVERI also known as LORETO, MENDOZA VENTURA PLACIDO, ABEL MARTINEZ TAVERA and ELIAS MAZARIEGOS PEREZ, did knowingly, intentionally, and without authority combine, conspire, confederate and agree with others to commit the following offenses against the United States of America: The distribution and possession with the intent to distribute 500 grams or more of a mixture or substance containing a detectible amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled substance.

This criminal complaint is based on these facts:

FILED: 5:00 P.M.

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Morristown, TN

x Continued on the attached sheet.

  
Complainant's signature  
Kevin Kimbrough  
Printed name and title

Sworn to before me and signed in my presence.

Date: May 15, 2010 at 5:00 P.M.

City and state: Marietta, TN

  
Judge's signature  
DENNIS H. INMAN  
Printed name and title  
U. S. MAGISTRATE JUDGE

1. On March 30, 2010, Agent Templeton, acting in an undercover capacity, met with Guadalupe Granado and another Hispanic male in the Wal-Mart parking lot in Greeneville, TN. The other Hispanic male was subsequently identified by driver's license photograph by Agent Templeton as Antonio Alcalá. Granado arrived driving a white 2006 Chevrolet S-10, bearing TN license tag 187-SSJ, which is registered to Tina Gregg at 528 Valley Street, Morristown, TN, 37813. Alcalá was a passenger in the same vehicle. During the meeting, Granado agreed to provide Agent Templeton with 20 pounds of crystal methamphetamine and 2,000 pounds of marijuana at a later, and undetermined date. Agent Templeton and Granado agreed that they would keep in contact via their cellular telephones. Alcalá stood close by and could overhear the conversation of both SA Templeton and Granado. At the conclusion of the meeting, agents attempted to conduct surveillance on Granado and Alcalá, but were unable to stay with Granado and Alcalá long enough to identify their residence or other locations used to store drugs and/or money. Agents discontinued surveillance in the Morristown, TN, area, after Granado appeared to be conducting counter-surveillance maneuvers with the vehicle he was driving.

2. On April 9, 2010, Agent Templeton spoke telephonically with Granado who was using telephone number (423) 273-6172. Granado asked Agent Templeton to ride with him on a three to four hours trip to obtain five pounds of crystal methamphetamine, "Ice." Agent Templeton declined, but asked Granado to bring back four ounces of "Ice" for Agent Templeton to purchase at a later date. They agreed that if the four ounces of "Ice" was high quality, then Agent Templeton would broker a 20 pound "Ice" transaction for Granado at a later date. Agent Kimbrough later reviewed the telephone tolls for Granado's telephone. Immediately before and after speaking with Agent Templeton, Granado called the number 336-577-5719, which your affiant knows to be an area code for the Winston-Salem, North Carolina area, and the believed location of Granado's source of supply. Granado called this number twice, and then called 423-438-7632, which is a number that has been identified as belonging to Antonio Alcalá. Granado called Alcalá's telephone six more times, and 336-577-5719 one additional time later the same day. On April 10, 2010 from 9:34 a.m. to 10:54 p.m., Granado called or received 8 more calls to/from Alcalá's number and 8 more calls to/from 336-577-5719.

3. On April 11, 2010, from 11:50 a.m to 5:06 p.m., Granado called or received 4 calls to/from 336-577-5719, one being an outgoing call immediately following a call to Agent Templeton. On the same date from 7:50 p.m. to 8:17 p.m., Agent Templeton met with Granado in the Wal-Mart parking lot located in Morristown, TN. Granado arrived driving the same white 2006 Chevrolet S-10, bearing TN license tag 187-SSJ. During the meeting, Granado sold Agent Templeton four ounces of crystal methamphetamine "Ice" in exchange for \$4,000.00 official serialized funds, and agreed to sell Agent Templeton one half of a pound of crystal methamphetamine, "Ice" on the next transaction for \$7,750.00. In addition, Granado agreed to sell Agent Templeton 20 pounds of crystal methamphetamine, "Ice" for \$310,000.00 at a later date. Granado told Agent Templeton that his source of supply for "Ice" was in North Carolina. Granado also stated he was still willing to sell Agent Templeton 2,000 pounds of marijuana, and that he was currently in possession of 200 pounds of marijuana. At the conclusion of the meeting, Granado and Agent Templeton agreed to keep in contact via their cellular telephones, and Granado stated he planned on changing telephone numbers every 30 days. After the

meeting, agents conducted surveillance of Granado, and followed him back to an apartment complex located at 2470 Castain Drive. Agents observed Granado park his truck on the right side of the building, which holds only four apartments. The right side of the apartment building houses apartment 2 on the bottom, and apartment 4 at the top of the stairs.

4. On April 12, 2010, Agent Kimbrough was contacted by Third Judicial Drug Task Force (3<sup>rd</sup> DTF) Agent Tim Davis, Agent Kimbrough was advised that the 3<sup>rd</sup> DTF had observed a Hispanic male making repairs to the white 2006 Chevrolet S-10, bearing TN license tag 187-SSJ in front of 528 Valley Street, Morristown, TN, 37813, registered to Tina Gregg.

5. Also during the month of April 2010, Agent Kimbrough obtained Granado's Tennessee Offender Face Sheet from the TN Department of Corrections. The form indicated that on February 21, 2001, Granado was sentenced to prison for the sale of cocaine. Under Emergency Notification, Granado listed "Tina Gregg, 1166 E. Rose Street, Morristown, TN 37813," Relationship: "Friend."

6. During this same time period of April 2010, Agent Kimbrough obtained electric power records for 2470 Castain Drive, Apartment 2, Morristown, TN, which listed the power in the name of Antonio Alcala, and his contact cellular telephone number as 423-438-7632. The power service was turned on in Alcala's name on April 9, 2010.

7. On April 21, 2010, the Honorable Magistrate Judge Dennis H. Inman signed an Order to release real-time global positioning system (GPS) location information, ping data and real-time cell site/sector location information for Granado's Sprint cellular telephone 423-273-6172. Depending on a number of factors, Sprint would be able to provide the exact location of the cellular telephone to within three – 25 meters using GPS, or alternatively, simply the closest cell tower to which the cellular telephone was located if the telephone was taken into a well insulated building. On the same date, Agent Kimbrough programmed the Sprint monitoring program to determine the location of the cellular telephone every fifteen minutes. The program would not be able to determine if the cellular telephone was stationary or moving; however, if the program indicated the same location on two consecutive monitorings, then it would be a strong indicator that the cellular telephone was indeed stationary at that location. On the same date, Agent Kimbrough began periodic monitoring of the location of Granado's cellular telephone.

8. On April 21, 2010 at 7:42 p.m., Agent Templeton, acting in an undercover capacity, called and spoke telephonically with Granado by dialing his cellular number. At the time of the conversation, the cell/site location used by the cellular telephone was at the tower in the 500 block of Statem Gap Road, Morristown, TN, which is only 1.35 miles from 2470 Castain Drive, Apartment 2, Morristown, TN. During the conversation, Granado agreed to sell Agent Templeton eight ounces of crystal methamphetamine for \$7,750.00 the following afternoon at the Wal-Mart parking lot in Morristown, TN. Granado also stated he would sell Agent Templeton twenty pounds of crystal methamphetamine at a later date for \$15,000.00 per pound for a total of \$300,000.00. Agent Kimbrough later reviewed the telephone tolls for Granado's telephone and discovered that Granado placed a three minute call to 336-577-5719, immediately before speaking with Agent Tempelton. Telephone tolls also showed that Granado

made a four minute call, immediately after speaking with Agent Templeton to the same number. Granado then called 423-273-6407 and spoke for almost two minutes. Less than thirty minutes later, at 8:10 p.m. the GPS location of the telephone was in Bristol, VA. The distance between Morristown, TN and Bristol, VA indicated to Agent Kimbrough that immediately after Granado agreed to provide Agent Templeton with eight ounces of crystal methamphetamine, he began traveling toward his source of supply to obtain the drug, as evidenced by the following GPS track.

9. At 8:42 p.m., the GPS location was northbound I-81 in Glade Springs, VA. At 10:02 p.m., the GPS location was in Mt. Airy, NC. At 10:18 p.m., the GPS location was in Pilot Mtn., NC. At 10:49 p.m. and 11:04 p.m., the GPS location was between 4625 and 4643 Sunny Drive, Winston-Salem, NC 27106. This is the only location the cellular telephone was stationary for more than fifteen minutes. Your affiant believes Granado went to obtain crystal methamphetamine from his source of supply in this block of Sunny Drive. At 11:20 p.m., the GPS location was at 4110 Cherry Street, Winston-Salem, NC and the GPS locations indicated that Granado was traveling back towards Morristown, TN.

10. On April 22, 2010, at 3:27 a.m., the cell/site location used by the cellular telephone was the tower on Statem Gap Road located 1.35 miles from 2470 Castain Drive, Morristown, TN. Granado made/received several more telephone calls during the early morning hours of April 22, 2010. At 1:38 a.m. and again at 6:12 a.m., Granado called and received one call to/from 336-577-5719. During the same early morning hours, at 4:02 a.m., and again at 8:14 a.m., Granado called 423-273-6407. Your complainant believes these last two calls with 336-577-5719 were used by Granado to tell his North Carolina source of supply that he had arrived safely back in Morristown, Tennessee with the methamphetamine, and possibly also the marijuana obtained in North Carolina.

11. On April 22, 2010, at approximately 10:30 a.m., Agent Kimbrough traveled to 2470 Castain Drive, Morristown, TN and took a photograph of the front of the apartment building and the vehicles parked in front of it. On April 23, 2010, Agent Kimbrough reviewed the photograph, and on the right front side of the apartment building, in front of Apartment 2, Agent Kimbrough observed a red 2002 Dodge truck bearing VA license plate ZL-5844 registered in Galax, VA to VIN 1D7HA16K52J209381, and bearing a For Sale sign in the rear window. As detailed below, this vehicle was used by Granado the evening of April 22, 2010, to sell Agent Templeton one half pound of crystal methamphetamine for \$7,750.00 official serialized, currency and to give Agent Templeton a free sample of one quarter pound of marijuana.

12. On April 22, 2010, at approximately 6:30 p.m., Agent Templeton was in the Wal-Mart parking lot in Morristown, TN waiting on Granado to arrive for the above referenced drug deal. At approximately 6:34 p.m., Agent Templeton received a telephone call from Granado. Granado stated he would be at the Wal-Mart parking lot in about five minutes. The cell/site location used by Granado's cellular telephone at 6:26 p.m. was also the cellular tower on Statem Gap Road, only 1.35 miles from 2470 Castain Drive, Apartment 2, Morristown, TN. At approximately 6:45 p.m., numerous agents observed Granado arrive in the same red Dodge truck detailed in paragraph 16. During the approximate twenty minute meeting, Granado sold Agent

Templeton one half pound, or eight ounces of crystal methamphetamine in exchange for \$7,750.00 official serialized currency.

13. During the meeting, Granado agreed again to sell Agent Templeton twenty pounds of crystal methamphetamine at a later and undetermined date. Additionally, Granado stated he could provide multiple kilograms of cocaine to Agent Templeton and priced the cocaine at \$35,000.00 per kilogram. When Agent Templeton told him the price was too high, Granado stated he had a customer in Bristol (did not state whether TN or VA) that was obtaining "bricks" of cocaine from Granado for \$35,000.00 per kilogram.

14. Granado also stated he was still willing to provide Agent Templeton with up to 2,000 pounds of marijuana, but that the money would have to be taken to the U.S./Mexican border to facilitate the deal. Granado stated his marijuana source was a member of "The Cartel". Granado stated he was currently in possession of 500 pounds of marijuana, and that he had someone storing it for him nearby. Towards the end of the meeting, Agent Templeton requested that Granado obtain a sample of the marijuana, and bring it to Agent Templeton. Granado then placed a telephone call to someone and spoke in Spanish. Upon finishing the conversation, Granado told Agent Templeton to meet him at a public boat ramp on Cherokee Lake in about twenty-five minutes to obtain the quarter pound sample of his marijuana. Granado stated he had to go meet the person half-way that was storing his 500 pounds to obtain the sample.

15. Agent Kimbrough subsequently had a spanish speaking investigator listen to the telephone call that confirmed Granado was telling someone that he needed a sample. Agent Kimbrough later reviewed Granado's cellular toll information and determined that at 7:06 p.m., Granado had called 423-273-6407 and spoken for almost one minute. At approximately 7:07 p.m., agents observed Granado depart the Wal-Mart parking lot and travel directly to 2470 Castain Drive and enter Apartment 2. At 7:33 p.m., agents observed Granado exit Apartment 2, enter the same red Dodge truck, and depart the area toward Cherokee Lake. Agents followed Granado to a pull-off on the side of the lake, past where Agent Templeton was told to wait, and observed Granado meet with a heavy set Hispanic male driving a dark colored suv bearing a temporary plate. Moments later, Granado called Agent Templeton and told him he would be at the public boat ramp to meet him in five minutes. Approximately five minutes later, Granado met with Agent Templeton, and through his driver's side window, handed Agent Templeton one quarter pound of compressed marijuana inside a clear zip-lock bag. During that meeting at the lake front, Granado once again stated he obtained the sample of marijuana from someone who was holding 500 pounds for him. Agent Templeton told Granado he would call him within a few days to discuss the 20 pound crystal methamphetamine "Ice" deal. Agent Templeton told Granado that the person he was brokering the deal for may want 40 pounds of "Ice" per month, but Agent Templeton told Granado that he did not want to start off with that much and would prefer to stay at 20 pounds for the first deal. Granado stated he had just spoken with a friend of his that he "works with," that suggested they start off with selling five pounds of "Ice". Granado went on to say that 40 pounds of "Ice" would be no problem, but he agreed with Agent Templeton that they should only do the 20 pound "Ice" deal the first time. Granado stated he would need two days notice to obtain the 20 pounds of crystal methamphetamine "Ice". Moments later, at approximately 8:40 p.m., Agent Templeton and Granado parted ways and the

surveillance was terminated due to low light conditions.

16. Agent Kimbrough later reviewed Granado's cellular tolls and discovered that immediately after ending the meeting with Agent Templeton, Granado placed a six minute telephone call to 423-273-6407. Granado then placed a 34 minute phone call to 336-577-5719.

17. On April 22, 2010, from 10:57 p.m. to April 23, 2010, at 7:42 a.m., combined GPS and cell/site locator information showed Granado's cellular telephone to be at or within close proximity to 2470 Castain Drive, Morristown, TN. On April 24, 2010, at 2:40 a.m., the GPS location information indicated Granado's cellular telephone was at the same address. On April 25, 2010, at 2:53 a.m., the GPS location information indicated Granado's cellular telephone was again at the same address.

18. On April 26, 2010, at 4:49 p.m., Agent Templeton called Granado at 423-273-6172 and told him he would need the 20 pounds of crystal methamphetamine in two weeks. Granado agreed to provide the 20 pounds and stated he would "start getting ready". Agent Kimbrough reviewed Granado's cellular tolls and determined that upon immediately terminating the call with Agent Templeton, Granado called 423-273-6407 twice. Granado then called 336-577-5719, and Alcalá's cellular number, 423-438-7632.

19. On April 27, 2010, at 6:15 p.m., Agent Templeton received a text message from Granado which read – "I got 1000 in the green house wanna work for 650 hr cheak let me know". Over the next couple of hours, Agent Templeton sent and received several text messages to/from Granado concerning what was clearly understood by Agent Templeton to be an offer by Granado to supply Agent Templeton with 1,000 pounds of marijuana for \$650.00 per pound. Granado informed Agent Templeton the marijuana was 2 hours away, but that Granado would bring it "here" (meaning Morristown, TN), if Agent Templeton brokered the deal. Agent Templeton informed Granado that he was currently unable to broker the 1,000 pound marijuana transaction, but that he would call Granado in a couple of weeks regarding the 20 pounds of crystal methamphetamine.

20. On May 6, 2010, Agent Templeton sent a text message to Granado telling him that his friend with the motorcycle is almost ready to get it painted. Agent Templeton further told Granado that he would need to meet with him on Monday, May 10, 2010, to talk. Finally, Agent Templeton also informed Granado that he had the postal scales to give him. Granado sent a text message back to Agent Templeton stating, "Ok, call me Monday." Agent Templeton also told Granado he would be bringing a set of digital scales that Granado had commented on previously and liked. At the meeting on May 10, 2010, it was planned for law enforcement to show Granado the approximate \$310,000.00 to purchase the 20 pounds of "Ice". Agent Templeton was scheduled to set up a time for the buy within a day or two thereafter.

21. On Monday May 10, 2010 at 12:45 p.m., Agent Templeton left a voicemail on Granado's telephone to call him. At 1:04 p.m., Granado texted Agent Templeton "I will call u after work by 5:30". At 1:05 p.m., Granado and Agent Templeton agreed to meet at the Wal-Mart parking lot in Greeneville, TN later in the evening, and Granado stated it would take three to four

days to obtain the 20 lbs. of crystal methamphetamine for Agent Templeton.

22. On Monday May 10, 2010 at approximately 7:35 p.m., Agent Templeton parked near the Wal-Mart Lawn & Garden entrance. At 7:38 p.m., Agent Templeton called Granado and asked him his location. Granado responded that he was inside shopping and would be outside briefly. Moments later Granado exited the Wal-Mart pushing a shopping cart with a 40 lb. bag of dog food. From about 7:42 p.m. to 8:15 p.m., Agent Templeton discussed the purchase/sale of 20 lbs. of crystal methamphetamine for \$300,000.00 with Granado. At approximately 7:52 p.m., Agent Templeton called Agent Tracy Alexander (undercover) and asked him to drive over and park close to him. Moments later Agent Alexander parked a couple of spaces away from Agent Templeton's vehicle. Moments later Agent Templeton retrieved a 3 pound postal scale from Agent Alexander and gave it to Granado. Moments later Agent Templeton retrieved a black backpack from Agent Alexander and flashed \$300,000.00 in cash to Granado. Agent Templeton then immediately handed the backpack with the money back to Agent Alexander and asked him to drive away, which he did. Agent Templeton and Granado eventually agreed that the 20 lbs. "Ice" transaction would take place at a public boat ramp in Johnson City, TN within a few days. Granado stated he would call his source of supply and would call Agent Templeton back within the hour. At approximately 8:15 p.m., the meeting between Agent Templeton and Granado ended, and Agent Templeton departed the parking lot.

23. On the same date at approximately 8:34 p.m., Agent Templeton called Granado and stated he had misspoke during their meeting regarding the previously agreed upon price per pound for the 20 lbs. of "Ice". Agent Templeton and Granado then agreed that the price per pound of "Ice" would be \$15,000.00 even. Agent Templeton recorded the meeting and the telephone call. On the same date at 10:40 p.m., Agent Templeton sent Granado a text which read "Any word?". At 11:24 p.m. Granado replied "Yea they want to work tomorrow they let me know when they be ready I call u". At 11:28 p.m., Agent Templeton responded "So much for 4 days. I will let my guy know..."

24. On Tuesday May 11, 2010, Granado and Agent Templeton further discussed the purchase. Granado texted "They don't like the idea so much first time do u want to work 10 first and 10 next day we go from there?" At 3:02 p.m. Agent Templeton texted "I will let u know in 30 min" At 4:09 p.m., Granado called Agent Templeton and they agreed that they would sell/purchase 10 lbs. of "Ice" followed by another 10 lbs. of "Ice" within one day and that the transaction would probably occur on Thursday May 13, 2010. Granado stated he was going to call his source of supply and would call Agent Templeton right back. Granado called Agent Templeton and stated his source of supply stated he would be in Johnson City Thursday evening (13<sup>th</sup>) or at the latest Friday morning (14<sup>th</sup>) and wanted to sell 10 lbs. of "Ice" the first meeting, followed by another 10 lbs. of "Ice" the subsequent meeting, perhaps during the same day. At 6:07 p.m. SA Templeton called Granado and stated he could not conduct the transaction on Thursday (13<sup>th</sup>) and then SA Templeton and Granado agreed that the transaction would occur on Friday morning May 14, 2010.



25. On Thursday May 13, 2010 Granado texted Agent Templeton and stated he would be ready to conduct the methamphetamine transactions Friday afternoon May 14, 2010.

26. Between May 13, 2010 to the present date May 14, 2010, GPS tracker information on Guadalupe Granado's white Chevrolet S-10 TN 187-SSJ indicated that Granado has traveled to the 937 thru 939 Fowlers Ridge Road Newport TN 37821, a total of 3 times. The GPS tracker information indicated that Granado was traveling back and forth from the direction of 2470 Castain Drive, Morristown, Tennessee and 833 Fowlers Ridge Road, Newport, Tennessee on those three occasions.

27. On May 14, 2010 at approximately 11:27am, Third Judicial District Drug Task Force (3<sup>rd</sup> DTF) agent Rick Harmon telephoned TFO Kimbrough and informed him that a contact named Jamie Goings at Holsten Electric informed him that Antonio Alcalá, along with a Hispanic male matching the description of Guadalupe Granado, and an additional younger Hispanic male had come into Holsten Electric at approximately 10:04am, and requested to have the power shut off at 2470 Castain Drive, Apartment 2, Morristown TN. Agent Harmon further advised that he learned through the Holsten Electric employee, that the male subject believed to be Granado was speaking English for Alcalá, and further advised that Granado informed the Holsten Electric employee that Alcalá was moving to 833 Fowlers Ridge Road Newport TN 37821.

28. On May 14, 2010 at approximately 10:30am, TFO Kimbrough traveled to 833 Fowlers Ridge Road Newport TN 37821 and photographed the residence. At this residence, a 2006 Chevrolet S-10 TN Registration 187-SSJ was parked at this location. This is the same vehicle Granado has been seen in by law enforcement on numerous occasions including the first meeting with Agent Templeton on March 30, 2010, the four ounces crystal methamphetamine transaction on April 11, 2010 and otherwise as documented in this document.

29. On May 14, 2010, later in the evening, after discussing on several occasions with Granado the location to conduct the buy, law enforcement identified several vehicles to be involved in selling the methamphetamine to Agent Templeton: A red Dodge Ram which had previously been used by Granado on multiple occasions and a red Chevy Cavalier in Greeneville TN were identified and surveilled near the buy location. Granado told Agent Templeton that his suppliers wanted to see the money again before giving them the drugs. Agent Templeton refused to show the money again, and the buy did not happen at that time. These two vehicles left the buy location and were surveilled from Greene County and back to Hamblen County. During the trip, the two vehicles followed each other directly, until they both pulled into a gas station. Upon pulling up to the gas station, the driver of the Ram, Mendoza Ventura Placido and the driver of the Cavalier, Elias Mazariegos Perez both got out of their vehicles and talked. Law enforcement approached the three subjects and placed them under arrest. Within minutes, in the back of the Ram truck, officers located approximately ten pounds of suspected methamphetamine. Officers located a loaded 9mm gun, with an extra magazine in a cooler in the Cavalier.

30. Shortly thereafter, a white Cadillac which had been spotted earlier in the day at

*Abel Tavera was a passenger in Ram vehicle driven by Placido.*

Granado's residence at 833 Fowlers Ridge Road, and that had been spotted in close proximity to the other two vehicles at the buy location was observed by an officer assisting in the execution of a search warrant at 833 Fowlers Ridge Road, Newport, TN. The officer observed the cadillac approach the area, and then pull away. The officer followed the vehicle. Simultaneously, Agent Kimbrough received notification via GPS/ cell site location that Granado's cell phone was in the same area as the white cadillac. The cadillac was pulled over. There were two occupants of the cadillac: Granado was the passenger, and Marcos Antonio Riveri from Winston Salem, NC was the driver. Found within the residence during execution of the search warrant was a quantity of marijuana, a large amount of cash and drug ledgers, among other items.

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